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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

FRAZIER S. SPEAKS, JR.,

CASE NO.: 2:23-cv-00887-APG-MDC

Plaintiff,

**STIPULATION TO EXTEND DEADLINES
TO RESPOND TO CITY OF NORTH LAS
VEGAS'S MOTION TO DISMISS OR,
ALTERNATIVELY, MOTION FOR
SUMMARY JUDGMENT
[ECF Nos. 21, 22]**

CITY OF NORTH LAS VEGAS, a municipal corporation,

(Fourth Request)

Plaintiff, Frazier S. Speaks, Jr. (“Speaks”), by and through his counsel, Melanie Hill Law, and Defendant City of North Las Vegas (“CNLV”), by and through its counsel, Kaempfer Crowell, hereby stipulate to extend the deadline for Mr. Speaks to respond to the City of North Las Vegas’s Motion to Dismiss, or, Alternatively, Motion for Summary Judgment filed on August 14, 2024 [ECF Nos. 21, 22] from the current deadline of November 12, 2024 for two additional days until November 14, 2024. This stipulation is made at the request of Plaintiff’s counsel for the good faith reasons and extraordinary circumstances set forth herein. This is the fourth request to extend the deadline to respond to these dispositive motions and requests a two-day extension.

In support of this Stipulation, Plaintiff states as follows:

1. The current deadline to respond to the City of North Las Vegas's Motion to Dismiss, or,

1 Alternatively, Motion for Summary Judgment filed on August 14, 2024 [ECF Nos. 21, 22] is
 2 November 12, 2024. The parties previously stipulated to combine the deadlines that occurred one
 3 week apart because the motions were combined into one pleading such that it made the most sense to
 4 respond to them together on the same deadline date of September 27, 2024.

5 2. The parties again stipulated to extend the deadline an additional 14 days, even though
 6 Plaintiff's counsel had asked Defendant's counsel for an additional 30-day extension. Prior to filing
 7 the second stipulation, counsel for Plaintiff had reached out to counsel for Defendant requesting an
 8 additional thirty-day extension of the response deadlines due to Plaintiff's counsel dealing with some
 9 new health issues, symptoms, and diagnostic testing as well as assisting in the preparation of a Ninth
 10 Circuit oral argument. Defendant only agreed to stipulate to a 14-day extension of the deadlines for
 11 Mr. Speaks to respond to both motions. Plaintiff's counsel notified the court in the second stipulation
 12 that counsel had originally requested additional time that was not stipulated to.

14 3. Thereafter, Plaintiff filed a third request to extend by motion requesting that additional time
 15 that Defendant did not stipulate to in the second stipulation. The good cause for the motion was to
 16 allow counsel for the Plaintiff additional time to respond while Plaintiff's counsel was working on two
 17 separate Ninth Circuit appeals and coordinating moving deadlines in other cases that were continued
 18 while Plaintiff's counsel was undergoing the diagnostic medical imaging and symptoms referenced in
 19 the second stipulation that necessitated moving deadlines and hearings in multiple cases, including an
 20 opening brief deadline in a Ninth Circuit appeal that was filed on November 7, 2024.

22 4. The motion to extend was opposed by Defendant [ECF No. 29] and Plaintiff filed a reply
 23 [ECF No. 30].

25 5. The court granted the motion to extend, but stated in the order that "[n]o further extensions
 26 will be granted absent extraordinary circumstances." [ECF No. 31.]

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1 6. Counsel for Plaintiff reached out to counsel for Defendant requesting a short extension of
 2 the deadline because her daughter was out from school sick today, November 12, 2024, and her illness
 3 necessitated Plaintiff's counsel unexpectedly staying home from work with her sick daughter.

4 7. Additionally, late Friday afternoon, November 8, 2024, the Ninth Circuit imposed a
 5 November 12, 2024 by 5:00pm deadline for Plaintiff's counsel to make modifications to the citations,
 6 revise the excerpts of record numbering, and table of contents and table of authorities in the Ninth
 7 Circuit Opening Brief filed by Plaintiff's counsel in another of her cases on November 7, 2024 that
 8 she unexpectedly had to attend to today due to the weekend and Veteran's Day holiday on Monday,
 9 November 11, 2024.

10 8. This extension of the deadline to oppose Defendant's dispositive motions was agreed to by
 11 the Defendant, is brought in good faith, and is accompanied by a showing of good cause and
 12 extraordinary and unforeseen circumstances. This two-day extension request and is not sought for any
 13 improper purpose or other purpose of delay, but to allow counsel for the Plaintiff additional time to
 14 respond to these two dispositive motions in light of her daughter's illness that necessitated her staying
 15 home from work and the Ninth Circuit's last minute deadline over a holiday weekend for Plaintiff's
 16 counsel make modifications to the citations in the opening brief, revise the excerpts of record
 17 numbering, and table of contents and table of authorities in the Ninth Circuit Opening Brief filed by
 18 Plaintiff's counsel in another of her cases on November 7, 2024.

19 9. Courts in the District of Nevada have routinely held extensions of deadlines for illness and
 20 the "practicalities of life" establish good cause for the requested extension. In *Morales v. McDaniel*,
 21 District of Nevada Magistrate Judge Baldwin found good cause to grant an extension and held as
 22 follows:

23 "The proper procedure, when additional time for any purpose is needed, is to present to
 24 the Court a timely request for an extension before the time fixed has expired (*i.e.*, a
 25 request presented before the time then fixed for the purpose in question has expired)."
Canup v. Miss. Valley Barge Line Co., 31 F.R.D. 282, 283 (D. Pa. 1962). The *Canup*
 26 Court explained that "the practicalities of life" (such as an attorney's "conflicting

1 professional engagements" or personal commitments such as vacations, family
2 activities, illnesses, or death) often necessitate an enlargement of time to comply with a
3 court deadline. *Id.* Extensions of time "usually are granted upon a showing of good
cause, if timely made." *Creedon v. Taubman*, 8 F.R.D. 268, 269 (D. Ohio 1947). The
good cause standard considers a party's diligence in seeking the continuance or
extension. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

4 2019 U.S. Dist. LEXIS 173103 (D. Nev. Oct. 3, 2019).

5 WHEREFORE, the parties respectfully request by this stipulation setting forth good cause and
6 extraordinary and unforeseen circumstances that the Court extend the deadline for Plaintiff Speaks to
7 respond to the City's Motions, for two additional days up to and including November 14, 2024.

8 DATED this 12th day of November, 2024.

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10 **MELANIE HILL LAW PLLC**

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City of North Las Vegas

19 IT IS SO ORDERED:

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ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE

Dated: November 14, 2024